

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ROBERT I. HANFLING,
Chapter 7 Trustee of the Bankruptcy
Estates of ATG, Inc. and ATG
Catalytics, LLC,

Plaintiff,

v.

EPSTEIN BECKER & GREEN, P.C.,

Defendant.

Civil Action No. 05-10077-RGS

AFFIDAVIT OF PAULA M. BAGGER
IN SUPPORT OF DEFENDANT'S MOTION FOR FOR COSTS

I, Paula M. Bagger, being duly sworn, depose and say:

1. I am a partner in the law firm of Cooke Clancy & Gruenthal LLP, which is counsel to defendant Epstein Becker & Green, P.C. ("EBG") in the above-captioned matter. Pursuant to 28 U.S.C. § 1924, I submit this affidavit in support of EBG's Motion for Costs.

2. Eight depositions were used as evidence in connection with EBG's motion for summary judgment, which the Court allowed on November 21, 2006. These were the depositions of Carole Schwartz Rendon, Jarvis Kellogg, Michael Tuteur, Kenneth Weckstein, Ethan Jacks, Eugene Berman, Christopher Nagel, and Alan Braunstein.

3. EBG incurred stenographic costs in connection with each of these eight depositions. Specifically, Specifically, EBG incurred costs as follows:

| | |
|------------|--------------------------------------|
| \$1,016.40 | Deposition of Carole Schwartz Rendon |
| \$309.00 | Deposition of Alan Braunstein |
| \$192.40 | Deposition of Michael Tuteur |

| | |
|----------|--|
| \$136.05 | Deposition of Jarvis Kellogg |
| \$132.50 | Deposition of Christopher Nagel |
| \$258.60 | Deposition of Eugene Berman |
| \$308.85 | Deposition of Ethan Jacks |
| \$223.00 | Deposition of Kenneth Weckstein ¹ |

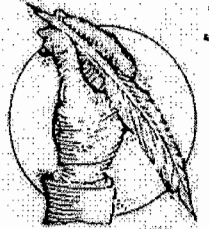
In addition, EBG paid a \$150.00 filing fee to the United States District Court for the Northern District of California for its motion to withdraw the reference and incurred a process server's charge of \$37.00 and witness fee of \$42.00 in connection with Mr. Braunstein's deposition. True and accurate photocopies of the paid invoices for these costs are appended to this Affidavit as Exhibit A.

3. It was reasonably necessary for EBG to notice and take the depositions of Alan Braunstein and Carole Schwartz Rendon and to question actively at the following depositions, noticed by the Trustee: Kenneth Weckstein, Ethan Jacks, Eugene Berman, Christopher Nagel, Jarvis Kellogg, and Michael Tuteur. The case was an action alleging legal malpractice. Ms. Rendon and Messrs. Weckstein, Kellogg, and Tuteur are former or current EBG attorneys whose work was called into question. Messrs. Jacks and German were in-house counsel for Molten Metal Technology, Inc. ("MMT"), a company that the Trustee alleges EBG represented, and Dr. Nagel was represented by EBG when an MMT employee. Mr. Braunstein was counsel to MMT's Chapter 11 Trustee and his deposition became necessary when EBG learned, in early discovery, that the Trustee had relied upon information learned from Mr. Braunstein in formulating his original Complaint against EBG.

SIGNED UNDER THE PENALTIES OF PERJURY THIS 1st DAY OF FEBRUARY 2007.

_____/s/_ Paula M. Bagger_____
Paula M. Bagger

¹ EBG is not seeking reimbursement for a stenographic record of the Robert I. Hanfling deposition, which was not introduced into evidence on summary judgment.



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| 20723 | 04/19/2006 | 01-18971 |
| JOB DATE | REPORTER(S) | CASE NUMBER |
| 04/13/2006 | BERGCI | |
| CASE CAPTION | | |
| Hantling v. Epstein Becker | | |
| TERMS | | |
| Net 30, after 30 int. at 1.5% per month | | |

Transcript of:
Eugene Berman
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72 Pages @ 2.55/Page

183.60
30.00
15.00
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TOTAL DUE >>>>

258.60

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Paula Bagger, Esq.
265 Franklin Street
Boston, MA 02110**Date**

4/14/2006

Invoice #

4406

Witness

Braunstein

Reporter

MOP

Terms

Net 20

| Date Taken | Description | Qty | Rate | Amount |
|--|--------------------------------|-----|------|--------|
| 4/10/2006 | Original Deposition Transcript | 103 | 3.00 | 309.00 |
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Total**\$309.00**

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| 20724 | 04/19/2006 | 01-18972 |
| JOB DATE | REPORTER(S) | CASE NUMBER |
| 04/12/2006 | BERGCI | |
| CASE CAPTION | | |
| Handling v. Epstein Becker | | |
| TERMS | | |
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Transcript of:
 Ethan Jacks
 E-Transcript
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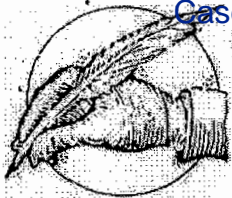
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| 04/18/2006 | BERGCI | |
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Marjorie Cooke
Cooke, Clancy & Gruenthal
265 Franklin Street, Suite 1000
Boston, MA 02110-3113

Transcript of:

Jarvis Kellogg

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Case No. :
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Witness

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Reporter

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Rate

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Amount

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CLIENT 10744
JOB NO. 4727 CV0967

FOR SERVICES RENDERED

DUE UPON RECEIPT

Re: HANFLING, ROBERT I. vs EPSTEIN, BECKER & GREEN PC ETA
Assignment Date: May 09, 2006 Client Ref. #: 05-10077-RGS

Deposition(s) of CAROLE SCHWARTZ RENDON

Total Amount \$ 1,016.40

THANK YOU

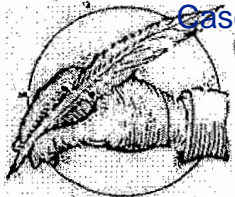
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| 04/13/2006 | BERGCI | |
| CASE CAPTION | | |
| Hanfling v. Epstein Becker | | |
| TERMS | | |
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Marjorie Cooke
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Transcript of:

Michael Tuteur

E-Transcript

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46 Pages @

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TOTAL DUE >>>>

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Case No. :
Hanfling v. Epstein Becker
Invoice No.: 20726
Date : 04/19/2006
TOTAL DUE : 192.30

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Amount to Charge: _____

Exp. Date: _____ Phone #: _____

Cardholder's Signature: _____

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| 171085 | 05/04/2006 | 01-77450 |
| JOB DATE | REPORTER(S) | CASE NUMBER |
| 04/28/2006 | HARMJO | |
| CASE CAPTION | | |
| Robert L. Hanfling, Chapter 7 Trustee for ATG, Inc. | | |
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| Quantity | Item | Description | Unit Price | Extension |
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| 1.00 | Summons | Stephen Gray | 37.00 | 37.00 |
| 1.00 | Fees Advanced | Boston (fed) | 42.00 | 42.00 |
| 1.00 | Summons | Alan Braunstein | 37.00 | 37.00 |
| 1.00 | Fees Advanced | Boston (fed) | 42.00 | 42.00 |
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